

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:12-mj-002

-vs-

Magistrate Judge Michael R. Merz

:

LAMONTE D. WHITLOW,

Defendant.

DECISION AND ORDER

This case is before the Court on Motion of Defendant for Electronic Home Detention (Doc. No. 11). As grounds, Defendant cites (1) his self-surrender upon learning there was an outstanding warrant for his arrest, (2) his life-long residence in Dayton, (3) his lack of history of absconding, and (4) his ability to reside while being monitored with his long time girlfriend. He asserts he is no flight risk and has only one misdemeanor conviction for a violent offense.

Defendant is charged with an offense under the Controlled Substances Act which carries a maximum penalty in excess of ten years imprisonment and the Court has found probable cause to believe he committed that offense. Under those circumstances, a presumption arises under the Bail Reform Act of 1984 that he should be detained without bond. Defendant did not overcome that presumption at the bond hearing and in fact presented no evidence. Pretrial Services recommended that the Government's Motion for Detention be granted before the initial hearing. Upon the filing of the instant Motion, the Court requested Pretrial Services to revisit its recommendation. Having done so, it continues to recommend detention in light of Defendant's history of unemployment, mental health concerns, history of substance abuse, and five prior convictions for narcotics offenses.

In addition, Defendant has prior violations of community control sentences, including arrests and convictions while on supervision, and prior revocations of supervision.

Accordingly, the Motion is DENIED.

February 15, 2012.

s/ **Michael R. Merz**
United States Magistrate Judge